

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Nicholas Stiliadis

Application No.: 09/840,283

Confirmation No.: 3319

Filed: April 23, 2001

Art Unit: 2623

For: MULTIMEDIA MARKETING AND
DISTRIBUTION SYSTEM

Examiner: D. D. Saltarelli

AMENDMENT IN RESPONSE TO NON-FINAL OFFICE ACTION

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated October 16, 2007, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 12 of this paper.

AMENDMENTS TO THE CLAIMS

1. (Currently Amended) A method of marketing and distributing multimedia, the method comprising:
 - a. receiving multimedia material having a particular content and content associated advertising material from a producer or owner of said multimedia material;
 - b. storing said multimedia material and associated advertising material on a computer readable storage medium in a digital format;
 - [c. inputting multimedia material information;]
 - c[d. providing a server system accessible over a communication network [said producer or owner being linked with the server system], said server system accessing said digital format from said computer readable storage medium for transfer of said digital format over said communication network;
 - [e. providing a search function for said multimedia material and said associated advertising material;]
 - d[f. providing samples of said digital format from said server system over said communication network to said potential purchasers, said purchasers being linked to the server system through said communication network;

g[g]. downloading to said purchasers, upon request of said purchasers, over said communication network, said digital format of said multimedia material from said server system; and

f[h]. providing said digital format of said advertising material that is linked to said multimedia material to said purchasers from said server system over said communication network allowing purchasers to locally market and sell said multimedia material;

g. wherein said purchaser is an exhibitor exhibiting said multimedia material in a public theater to a number of individuals in exchange for a paid admission or a broadcast exhibitor, said advertising material being shown to the public at a time or in a place different from that of said multimedia material.

2. (Cancelled).

3. (Previously Presented) The method of marketing and distributing multimedia of claim 1, wherein receiving multimedia material includes receiving non-digital media selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape.

4. (Original) The method of marketing and distributing multimedia of claim 3, including the step of digitizing said non-digital media for storage on said computer readable storage medium.

5. (Original) The method of marketing and distributing multimedia of claim 1, including providing a server system accessible over a public communication system.

6. (Cancelled).

7. (Cancelled).

8. (Previously Presented) The method of marketing and distributing multimedia of claim 1, further comprising automatically collecting sales information from exhibitor recipients of said multimedia material and providing sales and marketing data to exhibitors based upon information from said [users of said server system] exhibitors.

9. (Original) The method of marketing and distributing multimedia of claim 8, including providing marketing data based upon actual [users] uses of said multimedia material.

10. (Currently Amended) A method of distributing movies comprising:

- a. receiving a movie on celluloid and associated advertising material together from said movie owner;
- b. scanning said movie and converting it into a digital format, storing said movie in digital format and said associated advertising material in digital format in a computer readable memory, such that said advertising material and said movie are linked;
- c. inputting licensing information about said movie;
[[c]]d. transferring said digital formats to a theater via a communications network and storing said digital formats on a computer readable memory located at said theater; and
[[d]]e. projecting said movie in said digital format using a digital projector onto a screen for display to an audience.

11. (Previously Presented) A distribution system for distributing multimedia comprising:

- a. a first central processing unit;
- b. a first memory associated with said first central processing unit;
- c. a communications network accessible by said first central processing unit for transferring data into and out of said first memory;
- d. an input device connected for data transfer to said first central processing unit, said input device receiving multimedia material and associated advertising material, and transferring said materials into said first memory in a digital format via said central processing unit;
- e. a second central processing unit;
- f. a second memory, said second memory associated with said second central processing unit, said communications network being accessible by said second central processing unit for transferring said digital format into and out of said second memory; and
- g. a digital feature film projector in data communication with said second central processing unit for displaying said digital format as a feature film onto a screen for presentation to an audience, said feature film being stored in said digital format in said second memory after being transferred via said communications network from said first memory.

12. (Previously Presented) A method of marketing and distributing multimedia, the method comprising:

- a. receiving multimedia material from a producer or owner of said multimedia material together with associated advertising material;
- b. storing advertising material associated with said multimedia material on a computer readable storage medium;
- c. providing a server system accessible over a communication network, said server system accessing said multimedia material and said advertising material from said computer readable storage medium for transfer of said advertising material in a digital format from said server system over said communication network;
- d. establishing an account for a broadcast or live theater exhibitor;
- e. providing said multimedia material [that is] and said linked [to said] advertising material to said exhibitor, by said exhibitor downloading said advertising material [upon request from said customer for said advertising material] and said multimedia material over said server system;
- f. [following up] communicating with said exhibitor to determine information necessary to calculate an amount owed by said exhibitor [customer] for said multimedia material; and
- g. charging the account of said exhibitor with the amount owed.

13. (Cancelled).

14. (Previously Presented) The method of marketing and distributing multimedia of claim 12, wherein receiving multimedia material includes receiving non-digital media selected from the group consisting of celluloid media, printed media, video cassettes, and audio tape, and wherein said multimedia material is provided to said exhibitor using an electronic communications network.

15. (Previously Presented) The method of marketing and distributing multimedia of claim 12, wherein said communicating [follow-up] is implemented by the automatic sending of an e-mail to said exhibitor.

16. (Previously Presented) The method of marketing and distributing multimedia of claim 12, wherein [said] follow-up is implemented by consulting publicly reported data respecting said exhibitor.

[17. (Previously Presented) The method of marketing and distributing multimedia of claim 12, further comprising providing advertising material to

purchasers over said communication network, and exhibitors to locally market and sell said multimedia material.]

18. (Previously Presented) The method of marketing and distributing multimedia of claim 17, further comprising querying said exhibitor to stimulate the sending of data from said exhibitor and recording said data into a database.

19. (Previously Presented) The method of marketing and distributing multimedia of claim 18, comprising providing marketing data recorded in said database to customers in response to a query from a exhibitor.

20. (Cancelled).

21. (Previously Presented) A method of marketing and distributing multimedia, the method comprising:

- a. receiving a motion picture [multimedia material] and associated advertising material from a producer or owner of said multimedia material;
- b. storing said motion picture [multimedia material] and associated advertising material on a computer readable storage medium in a digital format;

- c. providing a server system accessible over a communication network, said producer or owner being linked with the server system, said server system accessing said digital format from said computer readable storage medium for transfer over said communication network;
- d. providing samples of said motion picture [digital format] from said server system over said communication network to potential exhibitors [purchasers], said potential exhibitors [purchasers] being linked to the server system;
- e. downloading, upon request of said exhibitor [purchasers], over said communication network, said digital format of said digital format of said motion picture; [multimedia material] from said server system; [and]
- f. displaying said motion picture;
- g. displaying said advertising material at a time or in a place different from the place or time of exhibition of said motion picture;
- h[f]. querying said exhibitor [customer] to stimulate the sending of ticket sales data from said exhibitor [customer];[and]
- i[g]. recording said data into a database for billing purposes; and
- j. reporting recorded data to other exhibitors.

22. (Original) The method of marketing and distributing multimedia of claim 21, comprising providing marketing data recorded in said database to customers in response to a query from a customer.

23. (Cancelled).

24. (New) The method of claim 1, wherein the exhibitor of multimedia material is the public showing of a motion picture.

25. (New) The method of claim 12, wherein said information comprise box office information and further comprising transmitting box office information to other exhibitors and potential exhibitors.

26. (New) The method of Claim 1, further comprising providing a search function for said multimedia material and said associated advertising material.

REMARKS

In the outstanding office action, rejection was based upon a primary reference to Hunter and supplemental references to Bernard and Seifert. In response to this rejection, the claims have been amended in a manner which is believed to bring them clearly into condition for allowance.

At the outset, it is noted that the cited references do not address the problem being solved by the invention. While, they do show the use of a network for transmitting programming, as well as the use of that network for transmitting advertising, in other respects they fail to anticipate elements of the invention.

Certainly, the general concept of transmitting programming over a network for display in real-time, as taught by Hunter, is notoriously well-known. Indeed, as much it can be said about the earliest commercial television broadcasts in the late 1930s. Likewise, the transmission of advertising, albeit over small screens, is also approaching a century of implementation. The inventive method goes far beyond this, however.

In contrast to Hunter, in accordance with the invention, materials are uploaded for later display. In addition, advertising materials are transmitted for display on systems separate and apart from the movie display system, for example billboards, newspapers and television. This appears to be the clear meaning of paragraph 70 of Hunter. This paragraph does not disclose digitally transmitting advertising material as well as multimedia material to purchasers of multimedia material, as is argued in the outstanding office action.

An individual, confronted with the system of Hunter and the prior art practice of transmitting such materials through the mail would simply implement electronic distribution of product in real-time and continue the practice of transmitting posters, advertising and so forth through the mail. Information gathering would continue to be done using standard systems. While Hunter does discuss using the transmissions to mechanically generate royalty charges and billing information, there is not a remote suggestion of gathering market data and providing that to subscribers, as in the present invention.

The distribution of advertising over the Hunter network merely represents a separate use for the network.

Hunter merely recognizes that it is possible to implement a network which can feed advertising material to a plurality of billboards, for example outdoor billboard displays.

In contrast, the present invention involves distribution of materials and content through one channel (the Internet), display on another channel (television advertising, poster display, etc.), and gathering of marketing information. Significantly, these aspects of the invention are not taught or suggested by the secondary references.

Bernard is directed to a system for purchasing multimedia over the Internet. While the patent does make mention of telephone caller receiving information from salespeople, this is different from the present invention where the system, on the basis of use, generates marketing data. The capability, in accordance with the present invention, is to compare demographic information,

particular television advertisements used, success rates in terms of movie theater attendance, and so forth and provide the same to theater operators, thus better informing their marketing decisions.

Turning to Seifert, the same as merely an electronic library content sharing system. It certainly does not address any of the above noted deficiencies of Hunter and Bernard.

Accordingly, significant aspects of the claims are not remotely taught by the art of record. For example, claim 1, as amended, currently claims the transmission of data from the server to the distributor with separate, in time or place, display of the advertising material. Claim 8, which depends from claim 1 clearly recites a sharing of market data between exhibitors based on use of the inventive method.

Claim 1 also positively recites the transmission of multimedia, such as a motion picture, and associated advertising material which is acknowledged in the outstanding office action as not being taught by the prior art. Accordingly, it is believed that claim 1 is most clearly in condition for allowance.

The inventive method is in contrast to the prior art which merely involves electronically transporting materials in a catalog or doing what is essentially a broadcast transmission to advertising billboard signs or theaters. Indeed, Hunter is focused on simply achieving multiple uses for the expensive high-bandwidth information distribution system. Hunter certainly does not anticipate the invention.

Claim 21 is specific to motion picture distribution and includes a sampling mechanism, as is also recited in claim 1, transport and display of advertising and motion pictures at a different place for time and querying exhibitors to gather information which is used for billing purposes and is recited as being reported to other exhibitors.

Accordingly, it is believed most clear that claim 21 is in condition for allowance.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-0369, under Order No. 25804/1US1 from which the undersigned is authorized to draw.

Dated: February 15, 2008

Respectfully submitted,
Electronic signature:
/s/ Anthony H. Handal/
Anthony H. Handal
Registration No.: 26,275
BROWN RUDNICK BERLACK ISRAELS
LLP
Seven Times Square
New York, New York 10036
(212) 209-4942
Attorney for Applicant